



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 8

In re Application of :
Etsuro Abe : DECISION ON PETITION
Application No. 09/636,145 :
Filed: August 10, 2000 :
Attorney Docket No. 428291/0014 :

This is a decision on the petition filed by facsimile transmission on September 24, 2002 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated December 1, 2001. No fee is required for the petition.

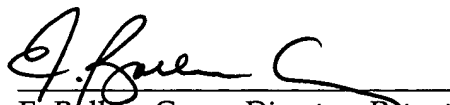
The petition is granted.

Petitioner alleges that this application is not abandoned because a timely reply to the Office letter in question was in fact filed. This allegation is supported by a copy of the reply, by a copy of a petition for a one month extension of time with authorization to charge the extension fee and by a copy of a receipt for the reply and petition for extension showing that these papers were actually received in the Office on February 20, 2002. The reply has a 37 CFR 1.8(a) certificate of mailing dated February 1, 2002.

It is noted that the petition for extension of time does not have a separate 37 CFR 1.8(a). However, MPEP § 512 indicates that where the correspondence includes several papers directed to the same area of the Office for the same application, each paper **should** have its own certificate of mailing. This is contrasted with the requirement also set forth in MPEP § 512 which states then when correspondence includes papers directed to more than one application or papers directed to various parts of the Office, each paper **must** have its own certificate of mailing. Solely because the receipt for the filing of the reply and petition for extension refers to both papers, it will be presumed that these papers were in the same mailing envelope and that the certificate of mailing applies to both papers. Obviously, the better practice would be to always affix a 37 CFR 1.8(a) to each paper.

The showing set forth above is deemed to establish that this application was not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on February 20, 2002, certificate of mailing date February 1, 2002.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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